

## **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (Previously Presented) A surgical instrument for deploying an adjustable gastric band comprising:
  - an elongated support tube having a proximal end, a distal end and an inner surface having a longitudinal groove therein;
  - an elongated inner rod having a proximal end, a distal end and a longitudinal protrusion wherein said distal end comprises a mechanism for releasably engaging a gastric band;
  - wherein said inner rod is slidably and coaxially disposed within said support tube wherein said longitudinal protrusion of said elongated inner rod is slidably engaged with said longitudinal groove of said inner surface of said elongated support tube and wherein said distal movement of said rod exposes said mechanism for engaging a gastric band.
2. (Original) The surgical instrument of claim 1 wherein said proximal end of said elongated rod includes a thumb ring.
3. (Original) The surgical instrument of claim 1 wherein said mechanism for releasably engaging a gastric band includes one or more pins.
4. (Cancelled)

5. (Original) The surgical instrument of claim 3, wherein said elongated inner rod further comprises a shelf for releasably supporting a gastric band at said distal end, said one or more pins further being disposed on said shelf.
6. (Original) The surgical instrument of claim 1, wherein said elongated support tube is between about 30mm and about 50mm in length.
7. (Original) The surgical instrument of claim 1, wherein said elongated support tube is between about 10mm and about 20mm in diameter.
8. (Original) The surgical instrument of claim 7, wherein said elongated support tube is between about 12mm and about 15mm in diameter.
9. (Original) The surgical instrument of claim 1, wherein said proximal end of said elongated support tube includes a handle.

10. (Currently amended) A surgical ~~instrument for deploying an adjustable gastric band system~~, comprising:
- a surgical instrument, comprising:
- an elongated support tube having a proximal end, a distal end and an inner surface having a longitudinal groove therein; and
- an elongated inner rod having a proximal end, a distal end and a longitudinal protrusion wherein said inner rod is slidably and coaxially disposed within said support tube wherein said longitudinal protrusion is slidably engaged with said longitudinal groove of said inner surface of said elongated support tube; and
- a gastric band releasably secured to said distal end of said inner rod wherein said distal movement of said rod exposes said gastric band.
11. (Currently amended) The surgical instrument system of claim 10 wherein said proximal end of said elongated rod includes a thumb ring.
12. (Currently amended) The surgical instrument system of claim 10, wherein said gastric band is releasably secured to said distal end of said elongated inner rod by way of one or more pins.
13. (Currently amended) The surgical instrument system of claim 12, wherein said gastric band is releasably secured to said distal end of said elongated inner rod by way of two pins.
14. (Cancelled)

15. (Currently amended) The surgical instrument system of claim 10, wherein said elongated inner rod further comprises a shelf at said distal end for releasably securing said gastric band.
16. (Currently amended) The surgical instrument system of claim 10, wherein said elongated support tube is between about 30mm and about 50mm in length.
17. (Currently amended) The surgical instrument system of claim 10, wherein said elongated support tube is between about 10mm and about 20mm in diameter.
18. (Currently amended) The surgical instrument system of claim 17, wherein said elongated support tube is between about 12mm and about 15mm in diameter.
19. (Currently amended) The surgical instrument system of claim 17, wherein said proximal end of said elongated support tube includes a handle.

20. (Original) A method for implanting a gastric band into a patient, comprising the steps of:

- (a) providing a surgical instrument for deploying an adjustable gastric band having:
  - (i) an elongated support tube having a proximal end and a distal end;
  - (ii) an elongated inner rod slidably and coaxial disposed within said support tube having:
    - (1) a proximal end;
    - (2) a distal end comprising a shelf having one or more pins located thereon;
  - (iii) a gastric band releasably secured to said one or more pins of said shelf of distal end of said inner rod wherein said distal movement of said inner rod exposes said gastric band;
- (b) providing a trocar;
- (c) inserting the trocar into the abdomen of the patient;
- (d) inserting the distal end of the support tube into the trocar;
- (e) distally moving the inner rod of the surgical instrument thereby exposing the gastric band within the abdomen of the patient;
- (f) removing the gastric band from the inner rod of the surgical instrument;
- (g) proximally moving said inner rod of the surgical instrument;
- (h) removing the support tube from the trocar.

21. (Currently Amended) A surgical instrument for deploying an adjustable gastric band comprising:

an elongated support tube having a proximal end and a an open distal end sized to encompass a gastric band; and

an elongated inner rod having a proximal end and a distal end wherein said distal end comprises a shelf for supporting a gastric band, said shelf having one or more pins disposed thereon for releasably engaging a gastric band;

wherein said inner rod is slidably and coaxially disposed within said support tube, said rod being slideable from a proximal position, wherein said shelf is retained in said elongated support tube, to a distal position, and wherein said distal movement of said rod exposes said shelf wherein said rod exposes at least a portion of said shelf.

22. (Previously Presented) The surgical instrument of claim 21 wherein said proximal end of said elongated rod includes a thumb ring.

23. (Previously Presented) The surgical instrument of claim 21 wherein said elongated inner rod further comprises a longitudinal protrusion and wherein said elongated support tube further comprises an inner surface having a longitudinal groove therein wherein said longitudinal protrusion of said elongated inner rod is slidably engaged with said longitudinal groove of said inner surface of said elongated support tube.

24. (Currently amended) A surgical ~~instrument~~ for deploying an adjustable gastric band system, comprising:

a surgical instrument, comprising:

an elongated support tube having a proximal end and a distal end; and

an elongated inner rod having a proximal end, a distal end and a shelf at said distal end for releasably securing a gastric band wherein said inner rod is slidably and coaxially disposed within said support tube; and

a gastric band releasably secured to said shelf of said inner rod wherein said distal movement of said rod exposes said gastric band.

25. (Currently amended) The surgical ~~instrument~~ system of claim 24 wherein said proximal end of said elongated rod includes a thumb ring.

26. (Currently amended) The surgical ~~instrument~~ system of claim 24, wherein said gastric band is releasably secured to said distal end of said elongated inner rod by way of one or more pins.

27. (Currently amended) The surgical ~~instrument~~ system of claim 26, wherein said gastric band is releasably secured to said distal end of said elongated inner rod by way of two pins.

28. (Currently amended) The surgical ~~instrument~~ system of claim 24, wherein said elongated inner rod further comprises longitudinal protrusion and wherein said elongated support tube further comprises an inner surface having a longitudinal groove therein and wherein said longitudinal protrusion of said elongated inner rod is slidably engaged with said longitudinal groove of said inner surface of said elongated support tube.

29. (Currently amended) A surgical instrument for deploying an adjustable gastric band system, comprising:

an adjustable gastric band; and

a surgical instrument, comprising:

an elongated support tube having a proximal end and an open distal end sized to encompass ~~an~~ the adjustable gastric band; and

an elongated inner rod having a proximal end and a distal end wherein said distal end comprises a mechanism releasably engaged to the adjustable gastric band;

wherein said inner rod is slidably and coaxially disposed within said support tube, said rod being slideable from a proximal position, wherein said mechanism retains the adjustable gastric band in the elongated support tube, to a distal position, wherein said rod exposes said mechanism and at least a portion of the adjustable gastric band.

30. (Currently amended) A surgical instrument for deploying an adjustable gastric band system, comprising:

an adjustable gastric band comprising a trailing conduit; and

a surgical instrument, comprising:

an elongated support tube sized to encompass a said trailing conduit  
~~attached to an~~ of said adjustable gastric band, said elongated support tube also having a proximal end and an open distal end sized to encompass ~~an~~ said adjustable gastric band; and

an elongated inner rod having a proximal end and a distal end, said adjustable gastric band releasably secured to said distal end;

~~an adjustable gastric band releasably secured to said distal end of said inner rod;~~

wherein said inner rod is slidably disposed within said support tube, said rod being slideable from a proximal position, wherein said adjustable gastric band is retained in said elongated support tube, to a distal position, wherein said rod exposes at least a portion of said adjustable gastric band.

31. (New) A surgical instrument for deploying an adjustable gastric band comprising:

an elongated support tube having a proximal end, a distal end and an inner surface having a longitudinal groove therein; and

an elongated inner rod having a proximal end, a distal end and a longitudinal protrusion, wherein said distal end comprises a shelf for supporting a gastric band, said shelf having one or more pins disposed thereon for releasably engaging a gastric band;

wherein said inner rod is slidably and coaxially disposed within said support tube wherein said longitudinal protrusion of said elongated inner rod is slidably engaged with said longitudinal groove of said inner surface of said elongated support tube and wherein said distal movement of said rod exposes said shelf.

32. (New) A surgical system, comprising:

an unencircled adjustable gastric band; and

a surgical instrument, comprising:

an elongated support tube having a proximal end and an open distal end sized to encompass said unencircled adjustable gastric band; and

an elongated inner rod having a proximal end and a distal end, said unencircled adjustable gastric band releasably secured to said distal end;

wherein said inner rod is slidably disposed within said support tube, said rod being slideable from a proximal position, wherein said adjustable gastric band is retained in said elongated support tube, to a distal position, wherein said rod exposes at least a portion of said adjustable gastric band.